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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,761	11/16/2001	Claire Svetlana Vishik	8285/476	1851

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EXAMINER

MARTIN, CIARA A

ART UNIT PAPER NUMBER

2157

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/990,761	VISHIK ET AL.	
	Examiner	Art Unit	
	Ciara Martin	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 12, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the after-final amendment filed on September 15, 2005. Claims 1-30 are pending. Claims 1, 11 and 21 were amended. Claims 1-30 represent a method and system for intelligent routing based on presence detection.

Specification

2. The use of the trademarks AOL®, Yahoo!® and MSN® has been noted in this application. Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. U.S. Patent No. 6,263,064 B1 in view of McDowell et al. U.S. Patent Application Publication No. 2002/0035605 A1.

O'Neil teaches the invention substantially as claimed including a communications control center for subscribers of a unified messaging system using a web server in a data-centric network (see abstract).

As per claim 1, O'Neil teaches a method comprising:

- a. receiving a message which is to be routed using a web server to one of a plurality of authorized parties comprising a first authorized party and a second authorized party (see column 8 lines 1-21, column 11 lines 8-29, fig. 1; O'Neil discloses routing incoming messages to more than one subscriber, a subscriber is an authorized party).
- b. polling the Web service at least once (see column 11 lines 22-29; O'Neil discloses periodically checking the queue for outgoing messages stored in the web server, checking the queue involves polling the queue in the web server);
- c. a first and second authorized party (see column 8 lines 1-21; O'Neil discloses more than one subscriber, a subscriber is an authorized party); and
- d. routing the message to an active communication device associated with the second authorized party (see column 8 lines 1-21; O'Neil discloses routing incoming messages to more than one subscriber, a subscriber is an authorized party).

O'Neil fails to teach:

- a. determining that the presence of the first authorized party remains undetected
- b. detect presence of a first and second authorized party

- c. determining that the presence of the first authorized party remains undetected over an allocated time interval;

However, McDowell teaches a system which includes determining the presence of a device using a presence server (see abstract, fig. 1). McDowell teaches pulling presence information of a party from the presence server, after not detecting the presence of the one party then polling the presence server again to detect the presence of another party and then routing the message to the second party (see paragraphs 0045, 0048, 0050-0051, 0056; McDowell discloses a presence server that determines whether a device is on or off before sending a message to the device, it is obvious a device must be associated with a party and present in order to receive messages, pulling information involves polling a device first).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server in order to detect after a specified period of time whether or not a device and subscribers are present before sending a message because this would prevent unnecessarily sending a message to a device or subscriber when it would not be received, a subscriber is an authorized party.

As per claim 2, O'Neil teaches the method as claimed in claim 1 wherein the message comprises a request, the first authorized party is a main approver of the request, and the second authorized party is a secondary approver of the request (see column 8 lines 1-21, column 11 lines 8-29; O'Neil discloses message requests which

are routed from the web server to other servers to be send to subscribers, it is obvious that a single message can be sent to more than one subscriber).

As per claim 3, O'Neil teaches the method as claimed in claim 1 wherein a Web service and a plurality of different communication devices associated with the first and second authorized parties (see column 13 lines 8-39, fig. 1; O'Neil discloses a web server and communication devices of each subscriber such as pagers, telephone, voicemail, and computer capable of receiving email).

O'Neil fails to teach detecting the presence of the authorized parties by the Web service. However, McDowell teaches a system which includes presence determination of a device using a presence server (see paragraphs 0045, 0048, 0050-0051, 0056; McDowell discloses a presence server that determines whether a device is on or off).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of any number of subscribers using different devices and prevent unnecessarily sending a message to a device or subscriber when it would not be received, a subscriber is an authorized party.

As per claim 4, O'Neil teaches the method as claimed in claim 1 wherein the first and second authorized parties might log in to a particular device and software application (see column 8 lines 22-30; O'Neil discloses the possibility of employing authentication for subscribers; authentication involves logging in to a device or software application).

O'Neil fails to teach detecting the presence of the first and second authorized parties. However, McDowell teaches a system which includes detecting the presence of the first and second authorized parties (see paragraphs 0049; McDowell discloses a presence server that determines the presence determination of an Internet-based Instant Message (IM) user using a presence server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of a subscriber irregardless of the authentication state of the subscribers and prevent unnecessarily sending a message to a subscriber that was not present, a subscriber is an authorized party.

As per claim 5, O'Neil teaches the method as claimed in claim 4 including a software application (see column 7 lines 13-30; O'Neil discloses computing devices capable of accessing the data-centric network, accessing a network involves using a software application).

O'Neil fails to teach an instant message application. However, McDowell teaches an instant message application (see paragraph 0034; McDowell discloses an instant message module, a module can be an application).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to access the network via an instant message application because this would facilitate instantly detecting the presence of a subscriber.

As per claim 6, O'Neil teaches the method as claimed in claim 1 wherein a Web service and a plurality of different communication devices associated with the first and second authorized parties (see column 13 lines 8-39, fig. 1; O'Neil discloses a web server and communication devices of each subscriber such as pagers, telephone, voicemail, and computer capable of receiving email).

O'Neil fails to teach detecting the presence of the authorized parties by the Web service. However, McDowell teaches a system which includes presence determination of a device using a presence server (see paragraphs 0045, 0048, 0050-0051, 0056; McDowell discloses a presence server that determines whether a device is on or off).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of any number of subscribers using different devices and prevent unnecessarily sending a message to a device or subscriber when it would not be received, a subscriber is an authorized party.

As per claim 7, O'Neil teaches the method as claimed in claim 1 wherein the first and second authorized parties might log in to a particular device and software application (see column 8 lines 22-30; O'Neil discloses the possibility of employing authentication for subscribers; authentication involves logging in to a device or software application).

O'Neil fails to teach detecting the presence of the first and second authorized parties. However, McDowell teaches a system which includes detecting the presence of the first and second authorized parties (see paragraphs 0049; McDowell discloses a

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presence server that determines the presence determination of an Internet-based Instant Message (IM) user using a presence server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of a subscriber irregardless of the authentication state of the subscribers and prevent unnecessarily sending a message to a subscriber that was not present, a subscriber is an authorized party.

As per claim 8, O'Neil teaches the method of claim 7 including a software application (see column 7 lines 13-30; O'Neil discloses computing devices capable of accessing the data-centric network, accessing a network involves using a software application).

O'Neil fails to teach an instant message application. However, McDowell teaches an instant message application (see paragraph 0034; McDowell discloses an instant message module, a module can be an application).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to access the network via an instant message application because this would facilitate instantly detecting the presence of a subscriber.

As per claim 9, O'Neil teaches the method of claim 1 further comprising formatting a presentation of the message for the active communication device (see column 6 lines 50-65; O'Neil discloses formatting messages before being forwarded to a communications device).

As per claim 10, O'Neil teaches the method as claimed in claim 1 wherein a Web service and a plurality of different devices and software applications (see column 7 lines 13-30, column 8 lines 22-30; O'Neil discloses a web service and computing devices capable of accessing the data-centric network, accessing a network involves using a software application).

O'Neil fails to teach the presence information provided by the web service. However, McDowell teaches a system which includes presence determination of a device and software application using a presence server (see paragraphs 0045, 0050; McDowell discloses a presence server that determines whether a device is on or off and the presence of an instant message buddy list, an instant message application is a software application).

It would have been obvious to one of ordinary skill in the art to modify O'Neil in view of McDowell to add the presence server component to the web server in order to detect the presence of a device or software application before sending a message to it because this would prevent unnecessarily sending a message to a device or subscriber that is not present, a subscriber is an authorized party.

As per claim 11, O'Neil teaches a system comprising:
a computer system to receive a message which is to be routed to one of a plurality of authorized parties comprising a first authorized party and a second authorized party, to poll a Web service at least once, the Web service to detect for a presence of the first authorized party, to determine that the presence of the first authorized party remains undetected over an allocated time interval, after said determining to poll the Web

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service at least once, the Web service to detect for a presence of the second authorized party, and to route the message to an active communication device associated with the second authorized party in response to detecting the presence of the second authorized party (see column 8 lines 1-21, column 11 lines 8-29, fig. 1; O'Neil discloses routing incoming messages to more than one subscriber, periodically checking the queue for outgoing messages stored in the web server, more than one subscriber, and routing incoming messages to more than one subscriber; a subscriber is an authorized party, and checking the queue involves polling the queue in the web server).

O'Neil fails to teach:

- a. determining that the presence of the first authorized party remains undetected
- b. detect presence of a first and second authorized party
- c. determining that the presence of the first authorized party remains undetected over an allocated time interval;

However, McDowell teaches a system which includes determining the presence of a device using a presence server (see abstract, fig. 1). McDowell teaches pulling presence information of a party from the presence server, after not detecting the presence of the one party then polling the presence server again to detect the presence of another party and then routing the message to the second party (see paragraphs 0045, 0048, 0050-0051, 0056; McDowell discloses a presence server that determines whether a device is on or off before sending a message to the device, it is obvious a

device must be associated with a party and present in order to receive messages, pulling information involves polling a device first).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server in order to detect after a specified period of time whether or not a device and subscribers are present before sending a message because this would prevent unnecessarily sending a message to a device or subscriber when it would not be received, a subscriber is an authorized party.

As per claim 12, O'Neil teaches the system as claimed in claim 11, wherein the message comprises a request, the first authorized party is a main approver of the request, and the second authorized party is a secondary approver of the request (see column 8 lines 1-21, column 11 lines 8-29; O'Neil discloses message requests which are routed from the web server to other servers to be send to subscribers, it is obvious that a single message can be sent to more than one subscriber).

As per claim 13, the system as claimed in claim 11 wherein a Web service and a plurality of different communication devices associated with the first and second authorized parties (see column 13 lines 8-39, fig. 1; O'Neil discloses a web server and communication devices of each subscriber such as pagers, telephone, voicemail, and computer capable of receiving email).

O'Neil fails to teach detecting the presence of the authorized parties by the Web service. However, McDowell teaches a system which includes presence determination

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of a device using a presence server (see paragraphs 0045, 0048, 0050-0051, 0056; McDowell discloses a presence server that determines whether a device is on or off).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of any number of subscribers using different devices and prevent unnecessarily sending a message to a device or subscriber when it would not be received, a subscriber is an authorized party.

As per claim 14, the system as claimed in claim 11 wherein the first and second authorized parties might log in to a particular device and software application (see column 8 lines 22-30; O'Neil discloses the possibility of employing authentication for subscribers; authentication involves logging in to a device or software application).

O'Neil fails to teach detecting the presence of the first and second authorized parties. However, McDowell teaches a system which includes detecting the presence of the first and second authorized parties (see paragraphs 0049; McDowell discloses a presence server that determines the presence determination of an Internet-based Instant Message (IM) user using a presence server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of a subscriber irregardless of the authentication state of the subscribers and prevent unnecessarily sending a message to a subscriber that was not present, a subscriber is an authorized party.

As per claim 15, O'Neil teaches the system of claim 14 including a software application (see column 7 lines 13-30; O'Neil discloses computing devices capable of accessing the data-centric network, accessing a network involves using a software application).

O'Neil fails to teach an instant message application. However, McDowell teaches an instant message application (see paragraph 0034; McDowell discloses an instant message module, a module can be an application).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to access the network via an instant message application because this would facilitate instantly detecting the presence of a subscriber.

As per claim 16, O'Neil teaches the system as claimed in claim 11 wherein a Web service and a plurality of different communication devices associated with the first and second authorized parties (see column 13 lines 8-39, fig. 1; O'Neil discloses a web server and communication devices of each subscriber such as pagers, telephone, voicemail, and computer capable of receiving email).

O'Neil fails to teach detecting the presence of the authorized parties by the Web service. However, McDowell teaches a system which includes presence determination of a device using a presence server (see paragraphs 0045, 0048, 0050-0051, 0056; McDowell discloses a presence server that determines whether a device is on or off).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to

the web server because this would detect the presence of any number of subscribers using different devices and prevent unnecessarily sending a message to a device or subscriber when it would not be received, a subscriber is an authorized party.

As per claim 17, O'Neil teaches the system as claimed in claim 11 wherein the first and second authorized parties might log in to a particular device and software application (see column 8 lines 22-30; O'Neil discloses the possibility of employing authentication for subscribers; authentication involves logging in to a device or software application).

O'Neil fails to teach detecting the presence of the first and second authorized parties. However, McDowell teaches a system which includes detecting the presence of the first and second authorized parties (see paragraphs 0049; McDowell discloses a presence server that determines the presence determination of an Internet-based Instant Message (IM) user using a presence server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of a subscriber irregardless of the authentication state of the subscribers and prevent unnecessarily sending a message to a subscriber that was not present, a subscriber is an authorized party.

As per claim 18, O'Neil teaches the system as claimed in claim 14 including a software application (see column 7 lines 13-30; O'Neil discloses computing devices capable of accessing the data-centric network, accessing a network involves using a software application).

O'Neil fails to teach an instant message application. However, McDowell teaches an instant message application (see paragraph 0034; McDowell discloses an instant message module, a module can be an application).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to access the network via an instant message application because this would facilitate instantly detecting the presence of a subscriber.

As per claim 19, O'Neil teaches the system as claimed in claim 11 wherein the computer system is further to format a presentation of the message for the active communication device (see column 6 lines 50-65; O'Neil discloses formatting messages before being forwarded to a communications device).

As per claim 20, O'Neil teaches the system as claimed in claim 11 wherein a Web service and a plurality of different devices and software applications (see column 7 lines 13-30, column 8 lines 22-30; O'Neil discloses a web service and computing devices capable of accessing the data-centric network, accessing a network involves using a software application).

O'Neil fails to teach the presence information provided by the web service. However, McDowell teaches a system which includes presence determination of a device and software application using a presence server (see paragraphs 0045, 0050; McDowell discloses a presence server that determines whether a device is on or off and the presence of an instant message buddy list, an instant message application is a software application).

It would have been obvious to one of ordinary skill in the art to modify O'Neil in view of McDowell to add the presence server component to the web server in order to detect the presence of a device or software application before sending a message to it because this would prevent unnecessarily sending a message to a device or subscriber that is not present, a subscriber is an authorized party.

As per claim 21, O'Neil teaches a computer-readable medium having computer-readable program code to direct a computer to perform acts of:

- a. receiving a message which is to be routed using a web server to one of a plurality of authorized parties comprising a first authorized party and a second authorized party (see column 8 lines 1-21, column 11 lines 8-29, fig. 1; O'Neil discloses routing incoming messages to more than one subscriber, a subscriber is an authorized party).
- b. polling the Web service at least once (see column 11 lines 22-29; O'Neil discloses periodically checking the queue for outgoing messages stored in the web server, checking the queue involves polling the queue in the web server);
- c. a first and second authorized party (see column 8 lines 1-21; O'Neil discloses more than one subscriber, a subscriber is an authorized party); and
- d. routing the message to an active communication device associated with the second authorized party (see column 8 lines 1-21; O'Neil discloses routing incoming messages to more than one subscriber, a subscriber is an authorized party).

O'Neil fails to teach:

- a. determining that the presence of the first authorized party remains undetected
- b. detect presence of a first and second authorized part
- c. determining that the presence of the first authorized party remains undetected over an allocated time interval;

However, McDowell teaches a system which includes determining the presence of a device using a presence server (see abstract, fig. 1). McDowell teaches pulling presence information of a party from the presence server, after not detecting the presence of the one party then polling the presence server again to detect the presence of another party and then routing the message to the second party (see paragraphs 0045, 0048, 0050-0051, 0056; McDowell discloses a presence server that determines whether a device is on or off before sending a message to the device, it is obvious a device must be associated with a party and present in order to receive messages, pulling information involves polling a device first).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server in order to detect after a specified period of time whether or not a device and subscribers are present before sending a message because this would prevent unnecessarily sending a message to a device or subscriber when it would not be received, a subscriber is an authorized party.

As per claim 22, O'Neil teaches the computer-readable medium as claimed in claim 21 wherein the message comprises a request, the first authorized party is a main

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approver of the request, and the second authorized party is a secondary approver of the request (see column 8 lines 1-21, column 11 lines 8-29; O'Neil discloses message requests which are routed from the web server to other servers to be send to subscribers, it is obvious that a single message can be sent to more than one subscriber).

As per claim 23, O'Neil teaches the computer-readable medium as claimed in claim 21 wherein a Web service and a plurality of different communication devices associated with the first and second authorized parties (see column 13 lines 8-39, fig. 1; O'Neil discloses a web server and communication devices of each subscriber such as pagers, telephone, voicemail, and computer capable of receiving email).

O'Neil fails to teach detecting the presence of the authorized parties by the Web service. However, McDowell teaches a system which includes presence determination of a device using a presence server (see paragraphs 0045, 0048, 0050-0051, 0056; McDowell discloses a presence server that determines whether a device is on or off).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of any number of subscribers using different devices and prevent unnecessarily sending a message to a device or subscriber when it would not be received, a subscriber is an authorized party.

As per claim 24, the computer-readable medium as claimed in claim 21 wherein the first and second authorized parties might log in to a particular device and software application (see column 8 lines 22-30; O'Neil discloses the possibility of employing

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authentication for subscribers; authentication involves logging in to a device or software application).

O'Neil fails to teach detecting the presence of the first and second authorized parties. However, McDowell teaches a system which includes detecting the presence of the first and second authorized parties (see paragraphs 0049; McDowell discloses a presence server that determines the presence determination of an Internet-based Instant Message (IM) user using a presence server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of a subscriber irregardless of the authentication state of the subscribers and prevent unnecessarily sending a message to a subscriber that was not present, a subscriber is an authorized party.

As per claim 25, O'Neil teaches the computer-readable medium of claim 24 including a software application (see column 7 lines 13-30; O'Neil discloses computing devices capable of accessing the data-centric network, accessing a network involves using a software application).

O'Neil fails to teach an instant message application. However, McDowell teaches an instant message application (see paragraph 0034; McDowell discloses an instant message module, a module can be an application).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to access the network via an instant

message application because this would facilitate instantly detecting the presence of a subscriber.

As per claim 26, O'Neil teaches the computer-readable medium as claimed in claim 21 wherein a Web service and a plurality of different communication devices associated with the first and second authorized parties (see column 13 lines 8-39, fig. 1; O'Neil discloses a web server and communication devices of each subscriber such as pagers, telephone, voicemail, and computer capable of receiving email).

O'Neil fails to teach detecting the presence of the authorized parties by the Web service. However, McDowell teaches a system which includes presence determination of a device using a presence server (see paragraphs 0045, 0048, 0050-0051, 0056; McDowell discloses a presence server that determines whether a device is on or off).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of any number of subscribers using different devices and prevent unnecessarily sending a message to a device or subscriber when it would not be received, a subscriber is an authorized party.

As per claim 27, O'Neil teaches the computer-readable medium as claimed in claim 21 wherein the first and second authorized parties might log in to a particular device and software application (see column 8 lines 22-30; O'Neil discloses the possibility of employing authentication for subscribers; authentication involves logging in to a device or software application).

O'Neil fails to teach detecting the presence of the first and second authorized parties. However, McDowell teaches a system which includes detecting the presence of the first and second authorized parties (see paragraphs 0049; McDowell discloses a presence server that determines the presence determination of an Internet-based Instant Message (IM) user using a presence server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to add the presence server component to the web server because this would detect the presence of a subscriber irregardless of the authentication state of the subscribers and prevent unnecessarily sending a message to a subscriber that was not present, a subscriber is an authorized party.

As per claim 28, O'Neil teaches the computer-readable medium of claim 24 including a software application (see column 7 lines 13-30; O'Neil discloses computing devices capable of accessing the data-centric network, accessing a network involves using a software application).

O'Neil fails to teach an instant message application. However, McDowell teaches an instant message application (see paragraph 0034; McDowell discloses an instant message module, a module can be an application).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neil in view of McDowell to access the network via an instant message application because this would facilitate instantly detecting the presence of a subscriber.

As per claim 29, O'Neil teaches the computer-readable medium as claimed in claim 21 further comprising formatting a presentation of the message for the active communication device (see column 6 lines 50-65; O'Neil discloses formatting messages before being forwarded to a communications device).

As per claim 30, the computer-readable medium as claimed in claim 21 wherein a Web service and a plurality of different devices and software applications (see column 7 lines 13-30, column 8 lines 22-30; O'Neil discloses a web service and computing devices capable of accessing the data-centric network, accessing a network involves using a software application).

O'Neil fails to teach the presence information provided by the web service. However, McDowell teaches a system which includes presence determination of a device and software application using a presence server (see paragraphs 0045, 0050; McDowell discloses a presence server that determines whether a device is on or off and the presence of an instant message buddy list, an instant message application is a software application).

It would have been obvious to one of ordinary skill in the art to modify O'Neil in view of McDowell to add the presence server component to the web server in order to detect the presence of a device or software application before sending a message to it because this would prevent unnecessarily sending a message to a device or subscriber that is not present, a subscriber is an authorized party.

Response to Arguments

4. Applicant's arguments filed September 15, 2005 have been fully considered but they are not persuasive.

In the remarks, the Applicant argues that:

A) Neither O'Neil or McDowell disclose at least routing a message which is to be routed to one of a plurality of authorized parties to an active communication device associated with an authorized in response to determining that the presence of the first authorized party remains undetected and detecting the presence of the authorized party.

B) McDowell fails to disclose the limitation recited in the independent claims of routing a message which is to be routed to one of a plurality of authorized parties to an active communication device associated with the second authorized party in response to determining that the presence of the first authorized party remains undetected and detecting the presence of the second authorized party.

In response to:

A): O'Neil does disclose routing a message to an active communication device associated with an authorized party as stated in column 8 lines 1-21 where O'Neil teaches routing incoming messages to more than one subscriber (authorized party). The Office acknowledges that O'Neil fails to teach detecting the presence of the authorized party.

However, the aforementioned reference is combined with McDowell, which teaches determining the presence of a device using a presence server (see abstract,

fig. 1). McDowell teaches a system which includes determining the presence of a device using a presence server. McDowell teaches pulling presence information about a party from the presence server, after not detecting the presence of the one party then polling the presence server again to detect the presence of another party and routing the message to the detected party as indicated in paragraphs 0045, 0048, 0050-0051, 0056.

The motivation for modifying O'Neil in view of McDowell by adding the presence server component to the web server is that to detect whether or not a device and subscribers (authorized party), after a specified period of time, are present before sending a message is because this would prevent unnecessarily sending a message to a device or subscriber when it would not be received.

B): McDowell discloses routing a message to a subsequent party after pulling presence information about a party from the presence server and not detecting the presence of a party. The presence server is polled again to detect the presence of another subsequent party as evidenced in paragraphs 0045, 0048, 0050-0051, 0056. McDowell teaches a presence server that determines whether a device is on or off before sending a message to the device. It is obvious a device must be associated with a party and present in order to receive messages, pulling information involves polling a device first.

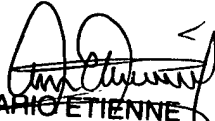
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ciara Martin whose telephone number is 571-272-7507. The examiner can normally be reached on M-F 6:30- 4:00 with second Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CM
1/24/06


ARIO ETIENNE
PRIMARY EXAMINER